

## REMARKS

Claims 1-8 and 11-26 are pending in the present application. Claims 2-4, 6-8, 11-18, and 20-26 have been amended solely to improve the form of these claims. New claims 27 and 28 have been added. Accordingly, claims 1-8 and 11-28 are presented to the Examiner for consideration in view of the amendments and remarks set forth below.

In the Office Action, the Examiner rejected claims 1-8 and 11-26 under 35 U.S.C. § 102(b) as being anticipated by Chen (US 5,982,760). Applicant respectfully traverses this rejection.

Applicant first notes that the present application was filed on June 5, 2000 and the Chen patent was issued November 9, 1999, less than one year prior to the filing date of the present application. Accordingly, Applicant respectfully submits that the Examiner's rejection of the pending claims does not qualify under 35 U.S.C. § 102(b), but should have been rejected under 35 U.S.C. § 102(e).

In the rejection, the Examiner contends that Chen discloses a method and apparatus for power adaptation control in closed loop communications. Specifically, the Examiner alleges that Chen discloses detecting a quality of a signal received at a base station and instructing the base station to improve the signal quality. The Examiner further alleges that Chen discloses instructing a wireless device to decrease a power gain and to instruct the wireless device to increase a pilot channel power level in col. 2, lines 8-11 and col. 3, lines 14-23 of Chen. Applicant, however, respectfully disagrees with the Examiner's interpretation of Chen.

Chen discloses a method and apparatus for providing power control in a closed-loop communication system, wherein the base station monitors the quality of a feedback link with a mobile station. When the quality of the feedback link becomes unacceptable, the base station and the mobile station enter into an alternative mode of operation, which adjusts from a fast power control feedback mode to a slow power control feedback mode.

Applicant respectfully submits that although Chen teaches power control in a closed-loop communication system, Chen fails to teach or suggest instructing a wireless device to increase a pilot channel transmit power level and to decrease the power gain of other channels in relation to the power channel as claimed in claims 1, 5 and 7 of the present invention.

Furthermore, Applicant respectfully submits that the Chen reference does not teach or suggest to increase the power of a feedback channel without increasing the power of a second channel if a detected signal quality is less than a threshold as claimed in claims 11 and 19 of the present invention. The Chen reference discloses that the mobile station can increase the power of its feedback signals if the mobile station is in a soft handoff condition, and if the base station determines that the received power control messages are unacceptable, the base station can employ power control messages it receives from the base station controller (note col. 3, lines 16-23 of Chen). Applicant respectfully submits, however, that the Chen reference does not disclose to instruct a wireless device to increase a pilot channel transmit power level and to decrease the power gain of other channels in relation to the power channel as alleged by the Examiner. Furthermore, Chen does not teach or suggest increasing the power of a feedback channel without increasing the power of a second channel if the detected signal quality is less than a threshold as also alleged by the Examiner. Accordingly, because Chen fails to instruct a wireless device to increase a pilot channel transmit power level and to decrease the power gain of other channels in relation to the power channel and increasing the power of a feedback channel without increasing the power of a second channel if the detected signal quality is less than a threshold, Applicant respectfully submits that Chen cannot possibly anticipate claims 1, 5, 7, 11, and 19 of the present invention and all claims dependent thereon. Therefore, Applicant respectfully submits that the rejection set forth by the Examiner is improper and should be withdrawn.

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: 

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